

JAMES DEAN EAKER,
Plaintiff,
vs.
FRANKLIN STEELE et al.,
Defendants.

THIS MATTER is before the Court on Plaintiff's Motion to Vacate, Modify, or Amend the Judgment of this Court dismissing this action. (Doc. No. 12). In an Order dated February 17, 2012, the Court dismissed this action under 28 U.S.C. § 1915(g). On reconsideration, this Court noted in an Order dated April 26, 2012, that Plaintiff paid the \$350.00 filing fee and dismissal was therefore not appropriate under § 1915(g). The Court further stated, however, that dismissal was nevertheless appropriate because Plaintiff's lawsuit is barred by res judicata.

In support of his Motion to Vacate, Modify, or Amend the Judgment of this Court, Plaintiff argues that the Court should not have dismissed this action because res judicata does not apply. The Court sees no reason to alter the previous ruling. This action is barred by res judicata, given the Court's prior Order dismissing an action filed by Plaintiff that was based on the same allegations forming the basis of the Complaint here. See (*Eaker v. Steele*, 3:11cv28).

IT IS, THEREFORE, ORDERED that:

(1) Plaintiff's Motion to Vacate, Modify, or Amend the Judgment of this Court dismissing this action, (Doc. No. 12), is **DENIED**.

Signed: May 24, 2012

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

